

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

MAR 1 1 2019

Clerk, U S District Court
District Of Montana
Billings

ADAM CHENOWETH,

Plaintiff,

vs.

YELLOWSTONE COUNTY,

Defendant.

CV 17-150-BLG-SPW

ORDER


Before the Court is Defendant Yellowstone County's motion for an order authorizing the release of information protected under the Privacy Act of 1974. (Doc. 46). Specifically, Yellowstone County seeks to depose members of the National Guard who have information pertaining to this case. The National Guard has advised it cannot answer questions relating to Plaintiff Adam Chenoweth without a Privacy Act waiver or a Court order. The parties previously stipulated to and proposed an order granting depositions of the National Guard members. For reasons unexplained, the parties proposed order did not satisfy the National Guard. Since that time, a dispute arose between the parties regarding the scope of the depositions. Chenoweth does not object to deposing members of the National Guard but states he will object to any questions irrelevant to the case, particularly questions that would reveal unrelated private information, and instruct the witness

not to answer. Yellowstone County states the proper procedure is for Chenoweth to object and then let the witness answer.

The Court will not resolve the parties dispute at this time. Instead, the Court orders the parties to obey the Rules of Civil Procedure governing the scope of discovery and depositions, the objection procedure, the termination procedure, and sanctions for failing to cooperate in discovery. The Court further orders the parties to file a proposed order that satisfies the National Guard's Privacy Act concerns so that the depositions may proceed.

Yellowstone County's motion is denied.

DATED this 11th day of March, 2019.


SUSAN P. WATTERS
United States District Judge